



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gary A. Diehl, et al. : Date: March 8, 2004
Group Art Unit: Unknown : IBM Corporation
Examiner: Unknown : Intellectual Property Law
Serial No.: 10/650,538 : Dept. 917, Bldg. 006-1
Filed: August 28, 2003 : 3605 Highway 52 North
Title: **METHOD, APPARATUS AND
COMPUTER PROGRAM PRODUCT
FOR IMPLEMENTING ENHANCED
PROXY ARP FOR VIRTUAL IP
ADDRESSES** : Rochester, MN 55901

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests that the information listed on the attached Form PTO/SB/08A be considered by the Office during the pendency of the above entitled application, pursuant to 37 C.F.R. §1.97.

IBM shipped some 'early availability' eServer iSeries computers in June 2002, which contained Version 5, Release 2 of the IBM OS/400 operating system. The OS/400 V5R2 operating system contained code that could be used to implement enhanced proxy ARP for virtual IP addresses. However, customers receiving these early availability computers could not access the enhanced proxy ARP for virtual IP addresses code/function until other components shipped in February, 2003. Accordingly, at least because the proxy ARP for virtual IP address code/function was not disclosed or made workable until after this patent's critical date, Applicant respectfully submits that these early availability shipments do not qualify as prior art under 35

U.S.C. § 102 or §103. *C.f., Robotic Vision Systems, Inc. v. View Engineering Inc.*, 42 USPQ2d 1619, 1623-24 (Fed. Cir. 1997).

In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not constitute an admission that any information cited therein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). Instead, it is filed merely in the interest of full and complete disclosure to the Office. Some or all of the material cited herein may not be considered by Applicant(s) or the Undersigned to be material under the new standard of materiality defined in 37 C.F.R. §1.56(b), enacted March 16, 1992, but may be material under the old standard of materiality defined in 37 C.F.R. §1.56(a), last amended on November 28, 1988, or may merely be technical background which may be of interest to the Examiner. Also, in accordance with 37 C.F.R. §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

To the best knowledge of the undersigned, this Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b)(3) before the mailing of a first Office action on the merits in the present application. Accordingly no filing fee is required.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 8, 2004
(Date of Deposit)

Lisa M. Plank
Lisa M. Plank

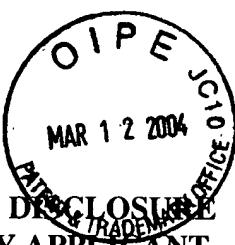
Respectfully submitted,

GARY A. DIEHL, ET AL.

By



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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 1 of 1

Application Number.: 10/650,538
Filing Date: August 28, 2003
First Named Inventor: Gary A. Diehl, et al.
Art Unit: Unknown
Examiner Name: Unknown
Attorney Docket Number.: ROC920030133US1

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.